

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

CARY YAN,
a/k/a “Hong Hui Yan,”
a/k/a “Chen Hong,” and
GINA ZHOU,
a/k/a “Chaoting Zhou,”
a/k/a “Angel Zhou,”

Defendants.

No. 20 Cr. 402 (NRB)

DEFENDANT CARY YAN’S SENTENCING MEMORANDUM

KRIEGER KIM & LEWIN LLP
350 Fifth Avenue, 77th Floor
New York, New York 10118
Tel.: (212) 390-9550

Attorneys for Cary Yan

TABLE OF CONTENTS

I. PRELIMINARY STATEMENT 1

II. CARY’S LIFE AND BACKGROUND 1

III. THE OFFENSE CONDUCT..... 5

IV. A SENTENCE OF TIME SERVED IS APPROPRIATE 6

 A. The Guidelines Are a Flawed Metric for Determining Cary’s Sentence.....6

 B. Cary’s History and Characteristics Warrant Leniency7

 C. Cary Was Incarcerated in Deplorable Conditions in Thailand8

 D. Cary Will Be Deported and Likely Spend Time in ICE Custody11

 E. Sentences in Comparable Cases Favor a Time-Served Sentence11

V. CONCLUSION 14

TABLE OF AUTHORITIES

Cases

<i>Nelson v. United States</i> , 555 U.S. 350 (2009).....	7
<i>United States v. Berkman</i> , No. 21 Cr. 60255 (PCH) (S.D. Fla.)	13
<i>United States v. Cevallos Diaz</i> , No. 19 Cr. 20284 (RS) (S.D. Fla.)	13
<i>United States v. De La Paz Roman</i> , No. 19 Cr. 20004 (MGC) (S.D. Fla.)	13
<i>United States v. Grubisich</i> , No. 19 Cr. 102 (RJD) (E.D.N.Y.)	12
<i>United States v. Gupta</i> , 904 F. Supp. 2d 349 (S.D.N.Y. 2012), <i>aff'd</i> , 747 F.3d 111 (2d Cir. 2014)	6, 7
<i>United States v. Ho</i> , No. 17 Cr. 779 (LAP) (S.D.N.Y.)	12
<i>United States v. Lichtenfeld</i> , No. 21 Cr. 60256 (PCH) (S.D. Fla.)	13
<i>United States v. Thavaraja</i> , 740 F.3d 253 (2d Cir. 2014).....	11
<i>United States v. Wernick</i> , 691 F.3d 108 (2d Cir. 2012).....	6

Statutes

18 U.S.C. § 3553(a)	1, 6, 7
U.S.S.G. § 2C1.1.....	12

Other Authorities

Ellen S. Podgor, <i>Throwing Away the Key</i> , 116 Yale L.J. Pocket Part 279 (2007)	6
Human Rights Watch et al., <i>Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention</i> (2018), https://bit.ly/3RdrDVI	11
International Federation for Human Rights, <i>Thailand Annual Prison Report 2022</i> (2022), https://bit.ly/3kBFgl4	9, 10
Stanford Law School, Foreign Corrupt Practices Act Clearinghouse, <i>Key Statistics from 1977 to Present</i> , https://bit.ly/3wvLm9h (last accessed May 1, 2023).....	11
Sunita Patel & Tom Jawetz, ACLU National Prison Project, <i>Conditions of Confinement in Immigration Detention Facilities</i> (2007), https://bit.ly/3XLPAVL	11
The Legal Aid Society, <i>NYIFUP, Immigrants Detail Inhumane Conditions, Abuses in ICE Detention</i> (Feb. 28, 2022), https://bit.ly/41fhc8q	11
U.S. Sentencing Commission, <i>Interactive Data Analyzer</i> , https://bit.ly/3H8dggF	12
U.S. Sentencing Commission, <i>Older Offenders in the Federal System</i> (2022), https://bit.ly/3xL2tVj	8

I. PRELIMINARY STATEMENT

Cary Yan is a good man who is genuinely remorseful for his offense. He has accepted responsibility for his conduct and makes no excuses for it.

His path to this courtroom has been an extraordinary one. Born in China into extreme poverty, he grew up begging on the streets. [REDACTED]

[REDACTED]. Despite these challenges, he built a successful career as a consultant and adviser and has devoted considerable time and money to helping the less fortunate.

While Cary committed a serious crime for which he is deeply sorry, he has already been adequately punished. He is a first-time offender, and as of the date of sentencing, he will have been incarcerated for a total of 30 months, 21 of which were spent in horrendous conditions in a Thai jail. Cary is 51 years old and suffers from serious health conditions, and after completing his sentence, he will be deported and likely face a period of immigration detention. Furthermore, a time-served sentence would be consistent with sentences in comparable cases. Given these factors, a sentence of time served satisfies the objectives of 18 U.S.C. § 3553(a).

II. CARY'S LIFE AND BACKGROUND

Cary was born in Anhui province in China in 1971. PSR ¶ 63. His parents abandoned him as a baby because they were poor and could not afford to support him. *See id.* ¶ 65. Another couple adopted him, and Cary lived with them for about 10 years in Jiangxi province. *See id.* His adoptive parents were loving, but desperately poor. *See id.* They had no home, and the family often went hungry. As a boy, Cary had no friends because “no one was willing to make friends with a beggar.” Ex. A, Cary Yan Letter.

Cary nevertheless remembers his years with his adoptive parents as the happiest of his childhood. PSR ¶ 65.¹ His adoptive family was close, and they supported one another. They lived on the street and begged for food, and they got by.

Tragically, Cary's adoptive parents died when he was 10. *Id.* They became ill during a cold winter and could not afford medical treatment. Ex. A, Cary Yan Letter. For a short time, Cary lived on his own, begging for food and doing what he could to survive. *See id.* Cary then returned to Anhui to live with his biological family. PSR ¶ 65.

Cary's life in Anhui was unspeakably hard. [REDACTED]

[REDACTED] Cary had siblings, but he was never close with them. Like other members of Cary's family, they drifted in and out of Cary's life. The family was very poor, food was scarce, and the children were often left to fend for themselves. *See id.*

In Anhui, Cary attended school for the first time. He was bullied relentlessly because of his poverty and how behind he was in his studies compared to the other children. [REDACTED]

[REDACTED] He worked hard in school, eventually rising to the top of his class. *See* PSR ¶ 67. In 1989, he moved to Beijing to attend college. *See id.* ¶¶ 84–85.

Cary had to work multiple jobs to afford tuition and living expenses in Beijing. [REDACTED]

¹ The Presentence Investigation Report ("PSR") notes that Cary "lamented . . . on how he was treated" by his adoptive family. PSR at 25. This was likely meant to refer to Cary's biological family. As noted above and elsewhere in the PSR, Cary had a good relationship with his adoptive family.

Cary graduated from college in 1992 with a degree in economics. *Id.* ¶ 85. After college, he began a business career in China. Between 1992 and 1998, he worked for various companies in Beijing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Yet again, Cary overcame hardship to improve his circumstances. From 1998 until his arrest in this case, Cary built a successful career as an independent consultant, specializing in strategic planning. *See id.* ¶ 87. In that capacity, Cary has done both for-profit and *pro bono* work, advising private companies, non-profits, and governments. He has advised on a wide variety of subjects, from mineral exploration to public policy concerning the elderly.

Throughout his career, Cary has engaged in charity and philanthropy. Several examples appear in the letters submitted on Cary's behalf. In 2003, Cary traveled from Beijing to Shaanxi province during the SARS outbreak, where he donated supplies to local children. *See Ex. C, Sun Jian Letter.* During the trip, Cary also visited – and donated money to – the local school and the elderly. *See id.* Cary's friend, Sun Jian, recalls being deeply moved by Cary's kindness and generosity. *See id.* As Cary explained to his friend at the time, he himself came from a poor rural area and wanted to "tr[y] his best to help people who were poorer and more in need than himself." *Id.* In the same vein, Cary has made many donations to his hometown. *See Ex. E, Wanggang Village Committee Letter.* His contributions include supporting the village school and the building of a village community room, helping to build and maintain roads, and donating

[REDACTED]

clothes and other supplies. *See id.* He has also made smaller donations to individual members of the community. *See id.*; *see also* Ex. B, Alyssa Du Letter (“When [Cary] encounters the poor, he . . . tr[ies] his best to help them,” “often [giving] food and money.”).

In 2016, Cary founded a non-governmental organization: the World Organization of Governance and Competitiveness (“WOGC”).³ Its mission was to provide strategic planning services to countries and private companies in order to promote investment and sustainable development and combat poverty and hunger. Between 2016 and 2020, when Cary was arrested in this case, WOGC donated food and other supplies to impoverished communities in Sri Lanka, Vanuatu, Honduras, El Salvador, Zambia, Kiribati, Panama, and the Marshall Islands, of which Cary is a naturalized citizen. In addition to its charitable donations, WOGC has advised various governments and private businesses on development and anti-poverty initiatives. WOGC’s strategic planning activities have included a development plan for the government of Liberia, a

³ The PSR’s discussion of WOGC, PSR ¶¶ 19–22, is misleading in some respects. Cary founded a Zambia-based entity in 2016 called WOGC. Around the same time, he entered into a partnership with an existing non-governmental organization called World of Hope International, Inc. (“World of Hope”) that had consultative status with the Economic and Social Council of the United Nations. During the period of this partnership, World of Hope changed its name to WOGC.

The PSR states that the founder of World of Hope believed that Cary and his co-defendant, Gina Zhou, were “misusing the NGO for their personal profit, deceiving the UN representatives of various foreign governments through false promises of development projects, and ruining the good reputation the Founder had built for the NGO.” *Id.* ¶ 21. To the extent this merely states the belief of the founder, we do not object, but we dispute any suggestion that WOGC did not do – or was not trying to do – beneficial work. WOGC worked with multiple governments on development projects and made charitable donations to impoverished countries around the world.

The PSR also notes that Cary and Ms. Zhou “continued to use . . . the WOGC name in their dealings abroad” after the U.S.-based NGO reverted to its original name in March 2018. *Id.* ¶ 22. While this is true, there was nothing inappropriate about it. Cary continued to use the name WOGC after the conclusion of his partnership with the founder because his use of the name predated the partnership. Cary remained the head of the Zambia-based WOGC after March 2018.

medical marijuana project in Thailand, and the Rongelap Atoll initiative (“RASAR”) at issue in this case. *See* Ex. D, Watana Mosikamas Letter; Ex. F, William Zhu Letter.

III. THE OFFENSE CONDUCT

In 2017 or 2018, Cary and WOGC joined an existing effort by Marshallese officials to encourage development in Rongelap Atoll, an underdeveloped area in the Marshall Islands. In 1954, the United States conducted a nuclear test in the Marshall Islands that led to the radioactive contamination of Rongelap, forcing its residents to evacuate. Rongelap was resettled in 1957, but in 1985, the residents evacuated again due to concerns about residual radiation. To this day, most of the Rongelap community is displaced, and many former residents have died or suffered serious illness as a result of radiation exposure.

WOGC and its partners in the Marshall Islands worked together to promote RASAR, a legislative initiative to create a special administrative region in Rongelap. RASAR was intended to encourage investment in Rongelap and promote resettlement of the area. As with any development initiative, both the investors and the recipients of those investments stood to gain financially. While Cary planned to invest in Rongelap, he did not have any immediate financial stake in the initiative. For him to have benefited financially, RASAR would have needed to pass and future investments that he had yet to make would have needed to be profitable. While personal gain was a possibility, it was speculative and not Cary’s primary reason for supporting RASAR. He supported the initiative because he – like RASAR’s local supporters – believed it would stimulate development in the Marshall Islands and help lift people out of poverty.

While this context is important in understanding Cary’s motivation, he takes full responsibility for the offense conduct. As Cary stated at his plea, “[he] agreed with others to bribe . . . Marshallese officials in exchange for their support of RASAR [It] was wrong, and

[he] deeply regret[s] [his] conduct.” Plea Tr. at 18:19–20, 19:1–2; *see also* Ex. A, Cary Yan Letter (“I know what I did was wrong, and I apologize with all of my heart . . .”).

IV. A SENTENCE OF TIME SERVED IS APPROPRIATE

While there is no doubt Cary committed a serious offense, he has already been sufficiently punished. First, Cary’s history and characteristics merit leniency. He overcame a childhood of extreme poverty [REDACTED] to build a successful career. Having earned success, he did not forget his roots; throughout his adult life, he has invested time, effort, and resources in helping others. Cary also suffers from serious health issues. Second, he served almost two years in brutal conditions in Thailand. Third, Cary will be deported and will likely face a period of ICE detention after serving his sentence. Fourth, and finally, a sentence of time served would be consistent with sentences in comparable cases.

A. The Guidelines Are a Flawed Metric for Determining Cary’s Sentence

As in many cases, the Guidelines in this case fail to take important considerations into account. The Guidelines are an “attempt[] to reduce the human dimensions of sentencing to a series of verbal formulas and mathematical calculations.” *United States v. Wernick*, 691 F.3d 108, 118 (2d Cir. 2012). While they have a role to play in achieving consistency in sentencing, they fail to “consider factors such as the motive of the perpetrator, the benefit he . . . received, and the extenuating circumstances that caused the harm.” Ellen S. Podgor, *Throwing Away the Key*, 116 Yale L.J. Pocket Part 279, 280 (2007). It is therefore appropriate that “the guideline recommendation is but one factor to be considered in selecting an appropriate sentence” and that “a sentencing court has discretion to consider a broad range of information bearing on the history and characteristics of the defendant.” *Wernick*, 691 F.3d at 118 (internal quotation marks omitted); *see also United States v. Gupta*, 904 F. Supp. 2d 349, 354 (S.D.N.Y. 2012) (observing that Section 3553(a) calls upon the Court to “judge the [defendant] as a whole”), *aff’d*, 747 F.3d

111 (2d Cir. 2014). A sentencing court cannot presume that a Guidelines sentence is reasonable, *Nelson v. United States*, 555 U.S. 350, 352 (2009), and in this case, it would not be, given the Section 3553(a) factors that weigh in favor of a time-served sentence.

B. Cary's History and Characteristics Warrant Leniency

The first of these factors is Cary's history and characteristics. The Guidelines do not consider this important sentencing factor, "but here as elsewhere the Guidelines must take second place to section 3553(a)." *Gupta*, 904 F. Supp. 2d at 354.

Cary's life story is both tragic and inspiring. He grew up in abject poverty with very few advantages. His biological parents abandoned him at birth. As a boy, he suffered hunger, homelessness, [REDACTED]

[REDACTED]. His path to success had many obstacles. He escaped poverty and built a successful life only through great determination.

As an adult, Cary has devoted much of his professional life to helping others. Another person might have been bitter about growing up as Cary did. But for Cary, the adversity of his childhood was a crucible for good. Throughout his adult life, Cary has contributed to large-scale development and anti-poverty efforts, but he has also exhibited a striking compassion and generosity towards individuals in times of need. For Cary, charity has always been personal because he sees himself and his family in the people that he helps.

This comes through in the letters submitted on Cary's behalf. The people of his hometown describe him as "selfless." Ex. E, Wanggang Village Committee Letter. Multiple people have been moved to tears by his gratitude. *See id.*; Ex. C, Sun Jian Letter. The letters contain several examples of Cary demonstrating kindness to individuals. In his hometown, he gave a woman money so that her son could get married. Ex. E, Wanggang Village Committee Letter. When he visited Shaanxi province during the SARS outbreak, he visited the homes of the

elderly. Ex. C, Sun Jian Letter. As a rule, “[w]hen [Cary] encounters the poor, he [tries] his best to help them.” Ex. B, Alyssa Du Letter.

Through his work at WOGC, Cary tried to help people on a large and small scale. The organization’s work included strategic planning activities, like the development project in Liberia, the medical marijuana project in Thailand, and RASAR. But the organization also donated items like food, textbooks, and wheelchairs to impoverished communities in countries around the world. Through WOGC, Cary has done a great deal of good.

The Court should also consider Cary’s age and health. At 51 years old, he is statistically unlikely to reoffend. U.S. Sentencing Comm’n, *Older Offenders in the Federal System* at 42 (2022), <https://bit.ly/3xL2tVj> (showing that the recidivism rate of offenders over 50 is less than half that of offenders under 50). Cary is also in poor health. [REDACTED]

[REDACTED] See PSR ¶¶ 74–75, 79. His health issues have increased the burden of his incarceration to date and will affect his quality of life after his release. They are yet another reason for leniency.

C. Cary Was Incarcerated in Deplorable Conditions in Thailand

In determining a just sentence, the Court should also consider the circumstances of Cary’s incarceration, much of which has been spent in terrible conditions in Thailand during some of the worst periods of the pandemic. As the Court observed at the sentencing hearing of Cary’s co-defendant, Gina Zhou, “courts in this district and others have recognized in the context of sentencing the extra challenges and difficulties that defendants faced in prison during the pandemic and have reduced sentences in recognition or given credit to defendants for time spent in custody during the pandemic.” Zhou Sentencing Tr. at 9:1–6. Such recognition is especially warranted here, as it was in Ms. Zhou’s case, because Cary and Ms. Zhou endured much worse than the typical defendant. See *id.* at 9:6–10 (noting that if the conditions in Thailand were even

half as bad as Ms. Zhou reported, “it remains so much worse than the conditions we more routinely hear about in federal custody”). The trauma Cary experienced in Thailand has left a lasting impact on his physical and emotional health.

From November 2020 to August 2022, a period of 21 months, Cary was an inmate at the Bangkok Remand Prison. The horrifying conditions of Thailand’s jails have been documented by international rights organizations and recounted to the Court in detail by Ms. Zhou. *See* International Federation for Human Rights, *Thailand Annual Prison Report 2022* (2022), <https://bit.ly/3kBFgl4>; Zhou Sentencing Mem. at 5–8. Unfortunately, Cary’s experience in Thailand was consistent with those of Ms. Zhou and many others incarcerated there.

At the Bangkok Remand Prison, where Cary was incarcerated, 70 to 80 inmates lived in a single room of around 450 square feet. *See Thailand Annual Prison Report* at 29; PSR ¶ 80. Due to the lack of space, the inmates slept side-by-side on the floor. PSR ¶ 80. The 70 to 80 inmates shared a single toilet, for which there was no privacy. *Id.* When inmates could not wait to use the toilet, they would defecate on themselves and feces would overflow into the shared cell. *Id.* The facility was infested with vermin. Cary had neither shoes nor proper clothing. *See id.* He was dressed only in underwear. *Id.*

Despite the sweltering heat of Bangkok, where the average high is over 90 degrees Fahrenheit during almost all of the year, showers were sometimes limited to less than a minute, and the dirty shower water was recycled. *See Thailand Annual Prison Report* at 33. The combination of heat, humidity, lack of ventilation, frequent power outages, and overcrowding meant that inmates at the jail were often perspiring heavily in close quarters.

Guards at the jail subjected Cary and other inmates to humiliation and physical violence. Minor infractions of prison rules often resulted in severe punishment. Inmates were punished for

trumped-up “violations” such as not folding blankets properly, looking unhappy during prison visits, or attempting to complain about conditions in the jail. *See id.* at 31. Punishment included physical labor and withholding of food. *See id.* Inmates had to pay guards to avoid beatings. PSR ¶ 80. On one occasion, Cary was beaten for refusing to pay a guard.

The pandemic made these terrible conditions even worse. Given the overcrowding, COVID ran rampant through the jail, a terrifying prospect given the virtually non-existent medical care available to inmates. Doctors visited the jail at most once a week, and even in emergencies, transportation to a hospital was rare. *See Thailand Annual Prison Report* at 36–37. In his 21 months at the jail, Cary witnessed more than a dozen inmates die. COVID precautions and treatment were virtually non-existent. Guards, who were tasked with performing symptom checks, would forge false negative results. *See id.* at 20. When inmates did test positive, they were isolated with other sick individuals in a quarantine dormitory. *See id.* at 23. Although the COVID-positive inmates were given access to thermometers, blood pressure monitors, and oximeters to monitor their symptoms, they had to take care of themselves; they did not receive treatment from medical professionals. *See id.* On the occasions when a doctor did visit, it was only to drop off acetaminophen. *See id.* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]⁴

⁴ The PSR incorrectly states that \$16,000 was confiscated from Cary’s commissary in Thailand. *See* PSR ¶ 90. The actual amount was 16,000 THB, the equivalent of about \$470.

D. Cary Will Be Deported and Likely Spend Time in ICE Custody

The immigration consequences of Cary's conviction are another reason for leniency. *See United States v. Thavaraja*, 740 F.3d 253, 262–63 (2d Cir. 2014) (“In determining what sentence is ‘sufficient, but not greater than necessary,’ to serve the needs of justice, a district court may take into account the uncertainties presented by the prospect of removal proceedings and the impact deportation will have on the defendant and his family.” (citation omitted)). Cary intends to consent to an order of judicial removal, pursuant to which he will be deported and rendered inadmissible to the United States. Cary has lived in the United States in the past and deeply regrets that he will be unable to do so in the future.

In addition, once released from Bureau of Prisons custody, Cary will likely spend time in ICE custody before being deported, effectively increasing the length of his sentence. The conditions of confinement in ICE custody will likely be worse than what Cary has experienced at Westchester County Jail and MDC. *See, e.g.,* The Legal Aid Society, *NYIFUP, Immigrants Detail Inhumane Conditions, Abuses in ICE Detention* (Feb. 28, 2022), <https://bit.ly/41fhc8q>; Human Rights Watch et al., *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention* (2018), <https://bit.ly/3RdrDVI>; Sunita Patel & Tom Jawetz, ACLU Nat'l Prison Project, *Conditions of Confinement in Immigration Detention Facilities* (2007), <https://bit.ly/3XLPAVL>. The Court should account for this in determining its sentence.

E. Sentences in Comparable Cases Favor a Time-Served Sentence

Finally, sentences in comparable cases support a time-served sentence. From 1977 to the present, the average FCPA sentence was 29 months (including imprisonment and house arrest). Stanford Law School, Foreign Corrupt Practices Act Clearinghouse, *Key Statistics from 1977 to Present*, <https://bit.ly/3wvLm9h> (last accessed May 1, 2023). Between 2020 and 2022, the

average FCPA sentence was less than 16 months' imprisonment. *See Appendix.* Between 2019 and 2021 (the most recent years for which Sentencing Commission data is available), the average sentence in the Second Circuit for courts applying U.S.S.G. § 2C1.1 (which applies to FCPA and other bribery offenses) was 11 months, and the median was 6. Excluding cooperators, courts varied downward from the Guidelines range in 75% of those cases.⁵

The 42-month sentence that Probation recommends would be among the harshest FCPA sentences imposed in recent years. Of the 19 FCPA sentences imposed between 2020 and 2022, only three (16%) exceeded the 30 months⁶ Cary has already served, and only two (11%) were greater than or equal to the 42 months that Probation recommends. *See Appendix.*

A 42-month sentence would also exceed sentences in recent FCPA cases that involved much larger bribes. In 2021, in the Eastern District of New York, Jose Carlos Grubisich was sentenced to 20 months' imprisonment for his participation in what the government described as "a conspiracy to divert *hundreds of millions of dollars* . . . into a secret illegal slush fund and to pay bribes to government officials, political parties, and others in Brazil." Gov't Sentencing Mem. at 1, *United States v. Grubisich*, No. 19 Cr. 102 (RJD) (E.D.N.Y. Sept. 15, 2021), ECF No. 97 (emphasis added). Mr. Grubisich was the CEO of the multinational company that diverted the money into the slush fund. His Guidelines were 120 months. In 2019, in *United States v. Ho*, No. 17 Cr. 779 (LAP) (S.D.N.Y.), Chi Ping Patrick Ho was sentenced to 36 months' imprisonment after being convicted at trial of orchestrating a scheme to pay \$2.5 million in bribes to the President of Chad and Foreign Minister of Uganda. Like Cary, Dr. Ho was the

⁵ The figures in this and the preceding sentence were calculated using the U.S. Sentencing Commission's Interactive Data Analyzer, which is available at <https://bit.ly/3H8dggF>.

head of a non-governmental organization with consultative status with the United Nations. His Guidelines were 262 to 327 months.

Outside of our Circuit, in *United States v. Berkman*, No. 21 Cr. 60255 (PCH) (S.D. Fla.) and *United States v. Lichtenfeld*, No. 21 Cr. 60256 (PCH) (S.D. Fla.), Bryan Samuel Berkman and Philip Lichtenfeld were recently sentenced to 28 and 26 months' imprisonment, respectively, for conspiring to pay over \$1 million in bribes to a Bolivian cabinet official and his chief of staff in exchange for a \$5.6 million contract from the Bolivian Ministry of Defense.⁷ Their recommended Guidelines sentence was 60 months. Similarly, in *United States v. Cevallos Diaz*, No. 19 Cr. 20284 (RS) (S.D. Fla.), Armengol Alfonso Cevallos Diaz was sentenced to 35 months for participating in a scheme to pay \$4.4 million in bribes to officials of PetroEcuador, the state-owned oil company of Ecuador. His recommended Guidelines range was 87 to 108 months. In a separate but related case, *United States v. De La Paz Roman*, No. 19 Cr. 20004 (MGC) (S.D. Fla.), Jose Luis De La Paz Roman was sentenced to 36 months for paying over \$8 million in bribes to PetroEcuador officials. His recommended Guidelines sentence was 60 months.⁸

In each of these cases, the bribe amount exceeded \$1 million, as opposed to the five-figure sum in this case. Yet none of these prison sentences exceeded 36 months. While we do

⁷ The sentences of Mr. Berkman and Mr. Lichtenfeld were later reduced to 21 and 19 months' respectively, due to cooperation. However, at the time of the sentences above, the government had not filed a motion under Section 5K1.1. Both before and after the sentence reduction, the sentences of Mr. Berkman and Mr. Lichtenfeld included 16 months of home confinement after their release from prison.

⁸ While Mr. Cevallos Diaz was granted a minor role adjustment, Mr. De La Paz Roman was not a minor participant. He was the president and part owner of a company that paid bribes to government officials to further the company's business interests. After the imposition of Mr. De La Paz Roman's 36-month sentence, his sentence was reduced to probation due to cooperation. However, at the time of his original sentence, the government had not filed a motion under Section 5K1.1.

not minimize the seriousness of Cary's conduct, it does not merit an upper-echelon sentence, especially when balanced against the reasons for leniency discussed above.

V. CONCLUSION

The Court should sentence Cary to time served. The offense conduct was an aberration in an otherwise praiseworthy life. Having escaped poverty himself, Cary has spent much of his life helping others do the same. A sentence of time served – the equivalent of about 35 months, accounting for good time – would be in keeping with sentences in comparable cases and would properly account for Cary's history and characteristics, the conditions of his confinement in Thailand, and the immigration consequences of his case.

Dated: May 1, 2023
New York, New York

Respectfully submitted,

By:  _____

KRIEGER KIM & LEWIN LLP
350 Fifth Avenue, 77th Floor
New York, New York 10118
Tel.: (212) 390-9550
Edward.Kim@KKLlp.com
Jonathan.Bolz@KKLlp.com

Attorneys for Cary Yan

Appendix: FCPA Sentences (2020-2022)

Defendant	Year	Court	Term of Imprisonment
Edward Thiessen	2020	D. Conn.	None
Zwi Skornicki	2020	E.D.N.Y.	None
Larry E. Puckett	2020	D. Conn.	None
Mark T. Lambert	2020	D. Md.	48 months
Juan Jose Hernandez-Comerma	2020	S.D. Tex.	48 months
David Rothschild	2020	D. Conn.	None
Deck Won Kang	2021	D.N.J.	None
Armengol Alfonso Cevallos Diaz	2021	S.D. Fla.	35 months
Jose Carlos Grubisich	2021	E.D.N.Y.	20 months
Franz Herman Muller Huber	2021	S.D. Tex.	20 months
Rafael Enrique Pinto-Franceschi	2021	S.D. Tex.	24 months
Ramiro Andres Luque-Flores	2021	E.D.N.Y.	None
Charles Quintard Beech, III	2021	S.D. Tex.	One year and one day
Daren Condrey	2021	D. Md.	24 months
Bryan Samuel Berkman	2022	S.D. Fla.	21 months
Philip Lichtenfeld	2022	S.D. Fla.	19 months
Robin Longoria	2022	N.D. Ohio	One year and one day
Debra Parris	2022	N.D. Ohio	One year and one day
Juan Carlos Castillo Rincon	2022	S.D. Tex.	Time served (9 days)

United States v. Cary Yan, 20 Cr. 402 (NRB)

Index of Defendant's Sentencing Letters

Exhibit	Author
A	Cary Yan
B	Alyssa Du
C	Sun Jian
D	Watana Mosikamas
E	Wanggang Village Committee
F	William Zhu
G	Garn Tuntasatityanond

EXHIBIT A

Dear Judge Buchwald:

It is with great shame and remorse that I present myself to you. In my life, I have tried to always do the right thing and improve the lives of others. I am before Your Honor now because I broke the law, and I am deeply sorry for that. I can promise Your Honor that I will never do that again.

I was born into an extremely poor family, and because of poverty and my family's inability to support me, I was abandoned at birth. Fortunately, I survived even though I was abandoned. I was adopted by kind people. The couple who adopted me begged for a living, but they loved me so much. There was also a thin spotted dog in our family. We went out every day begging for meals and ate whatever we received. When I was a child, I had no friends, because no one was willing to make friends with a beggar. My only partner was that thin spotted dog. But the dog was kind – more so than many human beings – our life was reasonably satisfied, despite our poverty.

When I was 10 years old, in a very cold winter, my adoptive parents got sick, and we had no money to treat them. In less than a month, they passed away. Before they died, they held my hands, tears in eyes, lips quivering. It seemed like they had something to tell me, but they couldn't say a word. I held them, crying my heart out. I prayed to God not to take them away. But in the end, God didn't sympathize with my plea. They left me, and I became an orphan again.

After my adoptive parents died, there was only the little dog accompanying me. For a short time, we lived with the companionship of each other and begged together. In the process of begging, we were sometimes hungry and sometimes full. Sometimes we could not get others to spare a steamed mantou bun. At that time, in China, everyone was very poor, and every family had no spare food. Even in comparatively wealthy families, people were living from hand to mouth.

After my adoptive parents died, I went back to live with my biological family. My childhood was full of tears, bullying, aggression, persecution, [REDACTED]. With my biological family, I got used to being mistreated and became slow to trust. [REDACTED]. To this day, I don't have many friends. But I have always tried to be a good and law-abiding citizen.

My goal has never been to accumulate wealth for myself. My hope is to have the power and ability to help poor people and do public welfare work for a lifetime. This is why I founded WOGC. When I saw the poor life of the people of Rongelap in the Marshall Islands, I thought of my childhood. I decided to use my professional skills to help them. This is why I got involved with RASAR. Please allow me to make an appeal to the Court and ask the government to pay attention to the lives of the people of Rongelap. They are really poor and need help from the outside world.

I know what I did was wrong, and I apologize with all of my heart to the Court, to the American government, to the American people, and to the FBI. I'm really sorry to trouble you. And I would

like to thank the American prison system. Before I came to the United States, I was in a Thai jail for almost two years. Compared with Thai prisons, American prisons are heaven, while the Thai is pure hell. The hardship of all the conditions of the Thai prison cannot be expressed by words.

Thank you for taking the time to read my letter. I hope that Your Honor can be merciful. I promise that I will live a good and law-abiding life after I am released from prison.

Cary Yan

February 13, 2023

尊敬的 Buchwald 法官：

我怀着深深的羞愧和悔恨向您陈述我内心想法。在我的一生中，我总是尝试做正确的事，并改善人们的生活。现在我在法官阁下面前，是因为我违法了法律。对此，我深感自责。我向法官阁下保证，我绝不会再犯。

我出生于一个极其贫困的家庭。因为穷困并且我父母无力养育我，我一出生就被弃养了。幸运的是，虽然我被弃养了，但我存活了下来。我被好心人收养了。我的养父母以乞讨为生，很爱我。我们的家庭成员还包括一只瘦弱的斑点狗。我们每天外出乞讨，并食用我们所讨到的食物。当我是孩子时，我没有朋友，因为没有人愿意和乞丐交朋友。我的唯一一个伙伴就是那只斑点狗。那只狗很友好，比许多人都更友好。尽管贫穷，但我们对生活感到满意。

当我 10 岁时，在一个严寒的冬天，我的养父母生病了。我没有钱来医治他们。不到一个月，我的养父母就去世了。他们在咽气之前，握着我的双手，留着泪，嘴唇颤抖着。似乎他们有话要对我说，但他们最终无法说出任何词语。我抱着他们，伤心至极。我祈求神灵不要把他們带走。但最终，神灵并未怜悯我的祈求。我的养父母离开了我。我又成为了孤儿。

当我的养父母去世后，就剩下那只小狗陪伴我了。我和狗狗相依为命了一小段时间，一起乞讨。在乞讨过程中，我们有时挨饿，有时可以吃饱饭。有时我们无法乞讨到一块蒸的馒头包子。那时，中国的每个人都很穷。每个家庭都没有多余的食物。甚至相对富裕的家庭也仅能糊口度日。

在我的养父母去世后，我回到了我的亲生父母那里生活。我的童年充满了泪水、欺凌、攻击、迫害和[REDACTED]。在我的亲生父母那里，我习惯了被虐待，并需要很长时间才能信任他人。[REDACTED] [REDACTED]。我至今仍没有很多朋友。但我始终尝试成为一名好的合法公民。

我的目标从不是我自己积累财富。我希望有能力帮助穷人，并且一生从事福利事业。因此我创办了 WOGC。当我看到了 Marshall Islands 的 Rongelap 人的穷苦生活时，我想起了我的童年。我决定用我的专业技能来帮助他们。因此我参与了 RASAR。请允许我恳请法院和政府关注 Rongelap 人的生活。他们很贫困，需要外界的帮助。

我知道我的做法是不对的，我真诚地向法院、美国政府、美国人民和 FBI 道歉。我很抱歉我给你们带来了麻烦。我想感谢美国司法体系。在我来到美国之前，我在泰国监狱呆了近两年。与泰国监狱相比，美国法院简直是天堂，而泰国监狱就是地狱。泰国监狱里的囚犯生活状况根本无法用词语来形容。

感谢您阅读我的信件。我希望法官宽大仁慈。我保证我在出狱后会遵纪守法。

Cary Yan

2023 年 2 月 13 日



STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATION

I, Jacqueline Yorke, as an employee of TransPerfect Translations, Inc., do hereby certify, to the best of my knowledge and belief, that the provided Simplified Chinese into English translation(s) of the source document(s) listed below are true and accurate:

- *Letter of Cary Yan*

TransPerfect Translations, Inc., a translation organization with over 90 offices on six continents, is a leader in professional translations. TransPerfect Translations, Inc. has over twenty years experience translating into the above language pair, its work being accepted by business organizations, governmental authorities and courts throughout the United States and internationally.

TransPerfect Translations, Inc. affirms that the provided translation was produced in according to our ISO 9001:2015 and ISO 17100:2015 certified quality management system, and also that the agents responsible for said translation(s) are qualified to translate and review documents for the above language pair, and are not a relation to any of the parties named in the source document(s).

Jacqueline Yorke, Project Manager

Sworn to before me this
Tuesday, February 14, 2023

Signature, Notary Public



Stamp, Notary Public

LANGUAGE AND TECHNOLOGY SOLUTIONS FOR GLOBAL BUSINESS

1250 BROADWAY, 32ND FLOOR, NEW YORK, NY 10001 | T 212.689.5555 | F 212.689.1059 | WWW.TRANSPERFECT.COM
OFFICES IN 90 CITIES WORLDWIDE

EXHIBIT B

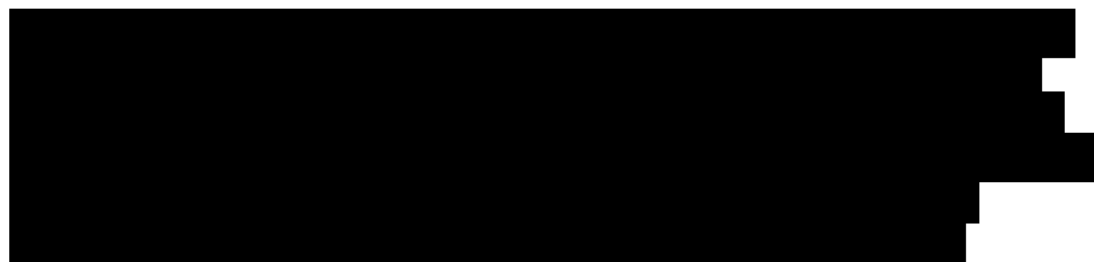
Dear Judge Buchwald,

Hello!

I'm writing this letter to support Cary Yan. I have known him for six years, and I know his character well.

I met Cary in 2016 through the introduction of another friend of mine. At that time, my friend recovered from an illness with Cary's kind help. Feeling so much gratitude to him, my friend introduced Cary to me. After that, I've attended several public activities organized by Cary Yan, and I found that many people around had received his help. He is an obliging person! He makes people around him feel warm!

Also, Cary Yan has a great personality as being with him, you will forget your trouble and be filled with energy. When he encounters the poor, he would try his best to help them. He often gave food and money he carried to the poor to relieve their difficulties.


He cares about everyone around him, just like a brother.

In addition, Cary is dedicated to work, whether related to public undertakings or his job. He treats each piece of work seriously and even delays rest and sleep to get things done perfectly. Furthermore, when his friends need help at work, he would spare no effort to help them. He treats each customer sincerely and always keeps his promises by earnestly fulfilling each contract.

In summary, Cary Yan is an upright, a kind and a warm-hearted person who is caring and obliging. I hope your Honor can impose a lenient sentence, so that this kind person could come back to his family and friends early to help more people in need.

Yours sincerely,

Alyssa Du

December 31, 2022

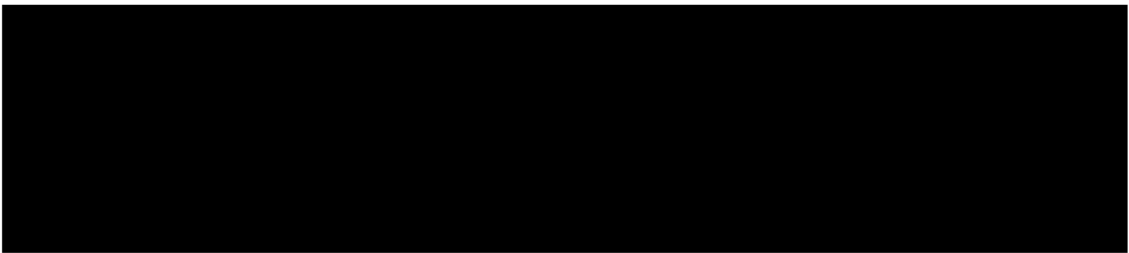
Dear Judge Buchwald:

您好！

我提交这封信是为了支持 Cary Yan。我认识他 6 年了，我很了解他的性格。

我与 Cary 结识于 2016 年，是通过朋友介绍认识的。当时，我的另一位朋友曾接受过 Cary 的热心帮助，使他的疾病得以康复，我的朋友非常感激 Cary，并将他介绍给我认识。在那之后，我参加过几次 Cary Yan 举办的公开活动，发现周围的朋友都得到过他的帮助。他是一个热心帮助别人的人！他使身边的人感到非常的温暖！

Cary Yan 的性格非常好，跟他在一起总是会使人忘记烦恼，浑身充满了力量！当他看到穷人，总会不遗余力的去帮助他们，经常会把身上的食物和钱财都给到穷人，使他们暂时解决生活上的困难。



们的亲人，兄长一样关心着身边的每一个人！

Cary 是一个非常敬业的工作者，无论是关于公益方面的事情还是工作上的事情，他都会不眠不休，认真对待每一个工作，直到把它们完美做好。并且在周围朋友需要相关工作帮助的时候，他总能尽所能的去帮助大家。对于客户，他总能以诚相待，遵守承诺，认真履行每一份合约。

Cary Yan 是一个正直，善良，热情，有爱心且乐于助人的人，我希望法官大人从轻处罚；让这个善良的人早日回到家人和朋友们的身边，帮助更多需要帮助的人！

恭敬地，

12/31/2022

Alyssa Du

Alyssa Du



TRANSPERFECT

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATION

I, Jacqueline Yorke, as an employee of TransPerfect Translations, Inc., do hereby certify, to the best of my knowledge and belief, that the provided Simplified Chinese into English translation(s) of the source document(s) listed below are true and accurate:

- Alyssa Du – Letter of Support

TransPerfect Translations, Inc., a translation organization with over 90 offices on six continents, is a leader in professional translations. TransPerfect Translations, Inc. has over twenty years experience translating into the above language pair, its work being accepted by business organizations, governmental authorities and courts throughout the United States and internationally.

TransPerfect Translations, Inc. affirms that the provided translation was produced in according to our ISO 9001:2015 and ISO 17100:2015 certified quality management system, and also that the agents responsible for said translation(s) are qualified to translate and review documents for the above language pair, and are not a relation to any of the parties named in the source document(s).

Jacqueline Yorke, Project Manager

Sworn to before me this
Wednesday, February 01, 2023

Signature, Notary Public



Stamp, Notary Public

LANGUAGE AND TECHNOLOGY SOLUTIONS FOR GLOBAL BUSINESS

1250 BROADWAY, 6TH FLOOR, NEW YORK, NY 10001 | T 212.689.5555 | F 212.689.1059 | WWW.TRANSPERFECT.COM
OFFICES IN 90 CITIES WORLDWIDE

EXHIBIT C

Dear Judge Buchwald:

Mr. Cary Yan and I are friends and former colleagues and we have known each other for nearly twenty years. We met at a conference themed private education in China in December 2002. In April 2003, during the SARS outbreak in China, on an event in Yijun County, Shaanxi Province, China, where we visited and greeted the local poor students, and Mr. Yan impressed me deeply that time. At the time when SARS was at its most intense, we drove from Beijing to Yijun County, Shaanxi Province to visit. We bought a lot of gifts from Beijing at our own expense and went to a school in Wuli Town, Yijun County. This school is the only school within a radius of 20 km at that place. Many children had to travel on foot more than 10 km to live and study in that school. Their tuition fee was not money but 5 catties of wheat brought from home and the living condition was also very poor, that is, the local cave dwellings. Mr. Yan was moved by the scene at that time, and left all the gifts we brought to the local children, in addition, he gave 2,000 RMB to the local school teachers to help the children buy some school supplies in the future. When we were about to leave, Mr. Yan wrote down the bank account of the local teacher and said that in the future, he would transfer money from time to time to improve the children's schooling environment. Our activity was not appointed by any government organization, it was all spontaneous. We later also visited many local elderly households, and Mr. Yan willingly left some money for the elderly wherever we went. Although it was not a lot of money, the elderly expressed their gratitude with tears in their eyes after receiving the money. On the way back, I asked Mr. Yan why he cared so much for these elderly people when he didn't know them. Mr. Yan said that he was also from a poor rural area and that he at that time had some money, he just tried his best to help people who were poorer and more in need than himself, without any intention and hesitate. I was strongly

infected by Mr. Yan's great love. I think he is an entrepreneur who cares about the society. After that, I had been working with Mr. Yan for many years. Our relationship changed from boss-staff-relationship to friendship, and Mr. Yan had always been teaching me the principles of life by words and deeds. "What others say and do to you cannot determine what kind of person you are. But what you say and do to others can determine what kind of person you are." I remember that Mr. Yan often helped others selflessly, and I was also one of them. Because my family had difficult situations, Mr. Yan often subsidized me, never expecting anything in return. The Buddha said that compassion and charity care for people. Doing good deeds with compassion is one of the missions of Christians today. Based on above, I think Mr. Yan has a good character and he is a person who is generous to the society and to others, lenient to others, and has great love.

Dear Judge Buchwald, Mr. Yan's way of dealing with people and things is based on good intentions, please consider that and forgive his first offense and give him a lighter sentence for this ignorant behavior, so that he could serve the society better and give back to the people who need help.

Thank you again. Your Honor.

SUN Jian

December 29, 2022

尊敬的Judge Buchwald:

我与Cary Yan先生是相识将近二十年的朋友和前同事。我们是在2002年12月份中国民办教育的一个会议上认识的。并于2003年4月份中国非典的时候，一同前往中国陕西省宜君县慰问当地贫困学生的一次活动中对闫先生有了很深的印象。当时正值SARS最紧张的时候，我们一同开车从北京去陕西宜君县慰问，我们从北京自费购买了很多的慰问品，到了当地宜君县五里镇的一所学校，这所学校是当地方圆二十里唯一的学校，很多小孩都是走十多里山路来这里住校上学，他们的学费就是从家里带来的5斤小麦，住的环境也很差，就是当地的窑洞。闫先生被当时的场景所感动，将我们带去的慰问品都留给了当地的孩子们，并自己拿出两千元给了当地学校的老师让他们帮着孩子们日后买一些学习用品。在我们离开的时候闫先生又记下来当地老师的银行账号，说未来会不定期的汇款来改善孩子们的上学环境，我们此次慰问活动不是受任何的政府组织委派，都是我们自发的一个活动。我们后来还走访了当地的很多户老年人，每到一处闫先生都会给老人们留下一些金钱。虽然不是很多，但是老人们拿到金钱的时候，眼里都含着眼泪表示感谢。在回去的路上我问起闫先生为何对这些无亲无故的老人们这样的关爱。闫先生说自己也是来自贫困的农村，现在自己有了些能力，只是尽自己的绵薄之力来帮助比自己生活困难的人们，没有图什么。我被闫先生这种大爱所感染。觉得他是一个关爱社会的企业家。后来我与闫先生共事多年。从上下级的关系，到朋友关系，闫先生一直言传身教教导我做人的准则。“别人对你说的话做的事，不能决定你是什么样一个人。但你对别人说的话做的事，却能决定你是什么样一个人。”记得闫先生经常无私的帮助别人，我也是其中一员，因为家里生活困难，闫先生经常资助我，从不计回报。佛说慈悲慈善对人为怀。慈悲行善是今日基督徒的使命之一。所以我觉得闫先生的人品是一个对社会、对他人慷慨大方，宽以待人，有大爱的人士。尊敬的Judge Buchwald阁下，请您更好的了解闫先生平时的对人对事的初衷，原谅他的初犯和这种无知行为给以从轻判决，让他更好的服务于社会，回报社会上需要帮助的人。

再次感谢您

签署人:

签署日期: 2022年12

月29日

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATION

I, Dan McCourt, as an employee of TransPerfect Translations, Inc., do hereby certify, to the best of my knowledge and belief, that the provided Chinese into English translation(s) of the source document(s) listed below are true and accurate:

- Sun Jian – Letter of Support

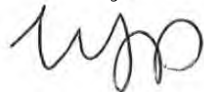
TransPerfect Translations, Inc., a translation organization with over 90 offices on six continents, is a leader in professional translations. TransPerfect Translations, Inc. has over twenty years experience translating into the above language pair, its work being accepted by business organizations, governmental authorities and courts throughout the United States and internationally.

TransPerfect Translations, Inc. affirms that the provided translation was produced in according to our ISO 9001:2015 and ISO 17100:2015 certified quality management system, and also that the agents responsible for said translation(s) are qualified to translate and review documents for the above language pair, and are not a relation to any of the parties named in the source document(s).



Dan McCourt, Project Assistant

Sworn to before me this
Thursday, February 02, 2023



Signature, Notary Public



Stamp, Notary Public

EXHIBIT D



สภากัญชา-กัญชงแห่งประเทศไทย (สกกท.)

The Cannabis-Hemp Council of Thailand (CHCT)



The Honorable Naomi Reice Buchwald

January 9, 2023

Re: Cary Yan

Dear Judge Buchwald:

I submit this letter to support Cary Yan. My name is Mr. Watana Mosikamas. I'm 69 years old, and I work in the land trading business. I am also the founder of Watana Sport and Language School in Thailand and the President of the Cannabis-Hemp Council of Thailand.

I first met Cary and Gina in 2019. They were part of an organization called WOGC that helped society and poor people in various countries. I told Cary and Gina about some of the problems in Thailand, in particular the difficulties of farmers who are indebted and at risk of losing their land. They were both willing to find a way to help. Together, we worked on a project to grow cannabis for medical applications. My goal is to help universities in Thailand develop new cancer treatments that benefit people around the world, but particularly people in poor countries who do not have access to medicine.

In my experience, Cary is a forward-thinking, intelligent person. Both he and Gina are good people with good intentions who were imprisoned in Thailand in extremely difficult conditions. I ask that you please be merciful for their sake and the sake of their families.



Respectfully,

A handwritten signature in blue ink, likely belonging to Mr. Watana Mosikamas, is written below the word "Respectfully,".

Mr. Watana Mosikamas

EXHIBIT E

The Honorable Naomi Reice Buchwald,

I hereby submit this letter to you sincerely in support of Cary by the Village Committee of Wanggang Village, Laoguang Township, Funan County, Anhui Province, the People's Republic of China.

In our minds, Cary has always been charitable, amiable, gratified and selfless, and does not put on airs at all, which makes us feel like a spring breeze, and we feel his moral integrity and broad mind, which really warm the heart of every person in our village. Moreover, our village committee always remembers his contribution to the development and rejuvenation of the village. There is an ancient Chinese saying "The sheep have the grace of kneeling during breast-feeding, and a young crow shows loyalty to parents by regurgitating food". Cary has always practiced this statement with his actions. He is one of the few people from our small village who made a career in the big city. After he has attained his achievements, he does not forget the hometown where he was born and raised. He often makes donations to improve the livelihood and welfare of the village, in terms of infrastructure, education, and living security.

Here are a few main contributions Cary has made to the village:

In 2006, a donation of RMB 50,000 was made to upgrade schools in the village. Cary has always been very concerned about the education of children in the village, and has often spoken with the principal Ma Huaixin at the elementary school in the village to ask about the children's education status. In 2006, after Cary returned to visit and clean his ancestral tombs in the village, accompanied by principal Ma Huaixin, Cary walked through every corner of the school, and saw such poor learning conditions, and said: "I came out from this place! I didn't expect that children were still learning in such a poor environment. Even if we're poor, we can't let our children suffer from this. Principal Ma, our generation of farmers suffered from illiteracy. We can't let this happen to our next generation again. Knowledge is power. Although I have just started my business and am not rich, for the future of children in the village to have better conditions to leave the countryside and live a richer and colorful life in the future, I choose to donate RMB 50,000 first. I hope to make a small contribution to the development of the school. If not enough, please be sure to contact me again." After hearing that, principal Ma Huaixin's eyes were brimming with tears, holding Cary's hand tightly, saying: "That is more than enough, it's enough, schools have not been repaired for many years because there's no funding. With the money, children definitely could learn better, and I appreciate it from the bottom of my heart on behalf of the children!" In this way, the teaching environment in the village was finally improved. Later, this matter was also told to students by many senior teachers, hoping that they could work hard to learn and not let down Cary's wishes.

In 2009, a sum of RMB 220,000 was further donated. The government had plans to build the main road of Wanggang Village. According to the policy, the public needed to raise a sum of RMB 160,000, but it was very difficult for some of left-over elderly in the village to live, let alone raise money. When Cary heard of the situation, he quickly called Liu Dianwen, the former village secretary, and said: "Some villagers don't live very well, and I'll pay out the money they need to raise." Without Cary's donation, the money used to repair the road in the village would have been difficult to get together, and the time for the road repair would have been delayed. Villagers will never forget the donation for road repair in the village by Cary, so that the villagers don't have to work on a muddy road on rainy days, and don't need to worry about tumbling or falling because of rain.

When the road repairs were in progress, Cary returned to Wanggang Village. When inspecting road repair, there was a villager yelling: “Director Yan, could you help me?” Cary stopped and said patiently: “Are you Zhang Deying? I remember eating in your home when I was a child, what’s going on?” She answered in a hurry: “Yes, I’m Zhang Deying, and I’ve never expected that you can still remember me even though you are a big boss now. My husband has passed away. My son is going to get married and needs to pay the wedding gift to the bride’s family. There is not enough money for RMB 60,000. I hope you could help me.” Cary immediately replied: “Give me your Bank Card number and I’ll transfer the money to you tomorrow.” Without Cary’s kindness, Zhang Deying’s son could not have got married.

In 2011, Cary made a donation of RMB 350,000 for the maintenance of slope guards and road dams in Wanggang Village.

In 2012, Cary made a donation of RMB 120,000 for building a village community room and the Laotai Road in Wanggang Village.

In 2013, Cary made a donation of RMB 200,000 for building the Shengchan Road in Wanggang Village.

In 2016, Cary donated clothes and materials to the residents of Wanggang Village, totaling RMB 420,000.

In 2018, Cary donated clothing, office supplies and other materials for the Laoguan Village central school and nursing home, totaling RMB 120,000.

The above were the key contributions made by Cary to Wanggang Village, and he is said to have made a lot of smaller donations elsewhere. Cary’s amicable and selfless image has long been deeply in the heart of every villager of Wanggang Village. He has worked hard to start a business in the city and struggled hard. The story of returning home after achievement has also inspired every villager of Wanggang Village.

Cary has made contributions and donations to hometown development and revitalization for more than a decade. I earnestly request that your esteemed honor could give Cary a chance to thoroughly refresh himself and give him a chance for a new start, release him as soon as possible, and let him continue his due contributions to the development of all humanity!

Wanggang Village Committee
December 16, 2022

尊敬的 *Naomi Reice Buchwald*,

我现代表中华人民共和国安徽省阜南县老观乡王岗村村委会，为了支持凯瑞，真诚地向您提交这封信。

在我们的印象中，凯瑞一直是一个慈善、和蔼、博爱、懂得感恩、无私奉献的人，和他的相处过程，他没有一点架子，让我们如沐春风，无不感到他的德行之端正、胸怀之博大，真正的温暖了我们每个村民的心。而且我们村委会始终铭记着他为村庄发展、振兴所做出的贡献，中国有句古话叫做“鸦有反哺之义，羊知跪乳之恩”，凯瑞用他的行动始终在践行这一句话。凯瑞做为我们这个小村庄为数不多在大城市闯荡出一番事业的人，他在有所成就后依旧知恩图报，没有忘了生他养他的故乡，经常为村庄的基础建设、教育事业、生活保障等改善民生民利方面进行捐款。

下面，我们列举凯瑞为村庄做出的几点主要贡献：

2006 年，捐款 50000 元修缮村里学校。凯瑞一直十分关注村里儿童的教育情况，并时常和村里小学的马怀新校长通话，询问孩子们的教育状况。2006 年在凯瑞回村扫墓过后，在马怀新校长的陪同下，凯瑞走遍了学校的每一个角落，看到如此恶劣的学习环境，感慨道：

“我是从这个地方走出去的啊！没想到现在的孩子们还在这样的环境下学习，我们穷我们苦也不能苦了孩子们。马校长，我们这代农民吃了没文化的亏，我们不能让这样的事情再发生在我们下一代身上啊，知识就是力量，虽然我的生意刚刚起步，并不富裕，但为了村里孩子们的未来，为了他们有更好的条件走出乡村，在未来能过上更加丰富多彩的生活，我选择先捐款 50000 元，希望能对学校的发展做出一些微薄的贡献，如若不够，请务必再与我联系。”马怀新校长听后双眼饱含热泪，紧紧的握住凯瑞的手，连声说到：“足够了，足够了，这些年学校由于没有资金，教学设施很多年没有维修了，有了这笔钱，孩子们一定能更好的学习，我代表孩子们由衷的感谢您！”就这样，村里的教学环境终于得以改善，这件事后来也被很多老教师讲给孩子们听，希望他们努力学习，不要辜负凯瑞的心愿。

2009 年，捐款 220000 元人民币。政府修建王岗村主路，根据政策，群众需要集资 160000 元，但村里的一些留守老人生活十分困难，更别谈出钱集资了。当凯瑞知道了情况后，迅速电话联系了时任村书记的刘殿文，说：“有些村民的生活不是很好，他们要集资的那份钱我来出。”如果没有凯瑞的捐款，村庄修路的钱很难凑齐，修路的时间也只能延续。村民们永远难以忘记凯瑞在村庄修路这一重要时刻的捐款，让村民们终于不用在雨天仍然踩着泥泞的泥巴路下地劳作，不用担心因为下雨摔倒滑倒。

在修路的过程中，凯瑞回到了王岗村，在察看修路的过程中，有个村民大喊到：“闫总，您能不能帮帮我？”凯瑞停下了脚步，耐心说道：“你是张德英吗？我记得小时候还吃过你家的饭，你有什么情况呢？”她连忙回答到：“是的，我是张德英，没想到您现在已经是老板了竟然还记得当年的一件小事。我老公去世了，儿子要结婚彩礼，60000 元的钱凑不够，希望能请您帮帮我。”凯瑞立即答道：“把你的银行卡号给我，我明天把钱转给您。”如果没有凯瑞的善举，张德英儿子的婚事可能就因此不能进行。

2011 年，王岗村修台坡、路坝，凯瑞捐款 350000 元。

2012 年，王岗村修建村室、老台路，凯瑞捐款 120000 元。

2013 年，王岗村修建生产路，凯瑞捐款 200000 元。

2016 年，凯瑞为王岗村村民捐赠衣服、物资，共计 420000 元。

2018 年，凯瑞为老观乡中心学校、养老院捐赠衣服、办公用品等物资，共计 120000 元。

以上，便是凯瑞为王岗村做出的主要贡献，据说他在其他地方也有很多捐款。凯瑞的博爱、无私奉献的光荣形象早已深入每个王岗村村民的心中，他在城市艰苦创业、努力拼搏，有所成就后回报家乡的事迹也一直激励着每个王岗村村民。

凯瑞在长达十几年的时间里对家乡发展和振兴作出了贡献和捐款，我们恳请尊敬的法官大人能给凯瑞一个洗心革面、重新做人的机会，尽快让他获得自由，让他再为全人类的发展作出他应有的贡献！

王岗村村民委员会

2022年12月16日





TRANSPERFECT

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATION

I, Jacqueline Yorke, as an employee of TransPerfect Translations, Inc., do hereby certify, to the best of my knowledge and belief, that the provided Simplified Chinese into English translation(s) of the source document(s) listed below are true and accurate:

- Wanggang Village Committee – Letter of Support

TransPerfect Translations, Inc., a translation organization with over 90 offices on six continents, is a leader in professional translations. TransPerfect Translations, Inc. has over twenty years experience translating into the above language pair, its work being accepted by business organizations, governmental authorities and courts throughout the United States and internationally.

TransPerfect Translations, Inc. affirms that the provided translation was produced in according to our ISO 9001:2015 and ISO 17100:2015 certified quality management system, and also that the agents responsible for said translation(s) are qualified to translate and review documents for the above language pair, and are not a relation to any of the parties named in the source document(s).

Jacqueline Yorke, Project Manager

Sworn to before me this
Wednesday, February 01, 2023

Signature, Notary Public



Stamp, Notary Public

LANGUAGE AND TECHNOLOGY SOLUTIONS FOR GLOBAL BUSINESS

1250 BROADWAY, 6TH FLOOR, NEW YORK, NY 10001 | T 212.689.5555 | F 212.689.1059 | WWW.TRANSPERFECT.COM
OFFICES IN 90 CITIES WORLDWIDE

EXHIBIT F

Dear Naomi Reice Buchwald,
Dear Judge Buchwald,

I'm William. Today, I'm writing this letter to support Cary Yan. I have known him for seven years, and I know his character well. I highly respect and admire Cary Yan.

The first time I came into contact with Cary Yan was in 2016 at the headquarters of Cary Yan's company. The first impression he gave me was that he was an amicable and relatable person. Although we only met for a short dozen minutes, he left a deep impression on me. I felt that he was not an ordinary person, but a man with an open mind, great ambitions, and a big dream, and of high capability. The second time I saw him was at a business conference in Shanghai two years later when he was making a passionate speech on the platform. Though he was not tall, he looked like a towering man standing on the platform, telling the dream of building an equal and a harmonious world, telling the cause of helping African people develop their economy, telling the relentless efforts to change one's life, telling the way of helping oneself by helping others. Those words were stirring. I felt that Cary Yan was not only an excellent entrepreneur, but also an outstanding philanthropist, speaker, and business genius. It was a great honor to know such an exceptional person.

After Cary Yan went to Thailand, we were lucky to have more chances to meet him. We made meals, had dinner, and drank tea together. We talked about life, dreams and career. Many dreams and ambitions Cary Yan mentioned had been unimaginable for us before. For example, he referred to a place called Rongelap many times. He said his lifetime dream was to build up Rongelap into a human paradise, a Noah's ark for people all over the world, where there were no wars, no diseases, and no frauds, and people lived a wealthy life and kept harmonious relationships. Residents there would enjoy the best medical services in the world, convenient transportation, and rich resources. Wealthy lives, fresh air, highly developed fishery, peaceful living environment and enjoyable work. It is simply a human paradise.

Cary Yan particularly likes traditional Chinese medicine (TCM) and ancient prescriptions of TCM. He often made TCM pills at home according to ancient prescriptions, which frequently effectively mitigated and treated the conditions his friends suffered. He also desired to use the methods and ancient prescriptions of TCM to help the people of developing countries and impoverished regions improve their health so that they no longer suffer from diseases.

He is very strict with his own life. [REDACTED]

[REDACTED]. On work, Cary Yan is even more stringent and does not allow any down time. He has good planning and a strong executive force. Once he set a work goal, he would make all-out efforts to accomplish it by the due date. He believes in Christianity. He would dish out a torrent of biblical stories in a vivid manner. And he can always tell a different biblical story from his distinctive perspective or by his own way of thinking. In daily life, he particularly likes singing. When singing, he is like a singer, so different from his manner on the podium. He is very affectionate and ready to help others unconditionally. He often taught us some techniques and knowledge of keeping healthy. We have heard a lot of stories about him helping African and Pacific Island countries. He is very generous when doing charity. Each year, he would donate large loads of sanitary materials to African and Pacific Island countries. And he often provided positive suggestions for the construction and development of these countries. When he was in Thailand, we saw him write to Liberian incumbent President Mr. Weah a Plan for the Integrated Development of Liberian Resources and Digital Economy, which was fully recognized by the Executive Mansion and President of Liberia. Regrettably, he was unable to carry out the implementation of the Plan in Liberia due to the COVID-19 pandemic.

During his stay in Thailand, he spent most of his time on medicinal marijuana. He said that Thailand was the first country to legalize planting medicinal marijuana. He held that medicinal marijuana was good at curing cancer and so this was a great cause beneficial to the public. By planting, studying, developing and promoting medicinal marijuana, he could end the sufferings of many people. Therefore, he contacted an advanced medicinal marijuana research team, and worked with the Thai Cannabis Industry Association on a marijuana planting and development project. To ensure the smooth progress of this project, he employed almost all of his contacts and resources. Arguably, he spared no effort on this project. However, just when the marijuana planting and application project was to be materialized, Cary Yan was taken away by the police, and the project had to be suspended. We are all very puzzled by this incident and also very sorry for him.

To comment on Cary Yan briefly, he has shown clear thinking, great insight, sharp vision and superb wisdom on big things. On trifles, he is liberal and easygoing. He has an open mind, a firm belief, a caring heart, and a lofty ambition. He has defined himself as a good friend of people around the world. He will fight for the peace, development, justice, fairness, and liberty of the world for all his life.

We were all very shocked when we heard that Cary is in jail right now. I hope that he can be fairly and justly judged and can be released early to continue his positive contribution to human development, prosperity and health.

William Zhu

January 2, 2023

尊敬的 Naomi Reice Buchwald :

亲爱的布赫瓦尔德法官：

我是威廉姆，今天提交这封信是为了支持 Cary Yan。我认识他 7 年了，很了解他的性格。Cary yan 是我非常尊崇和敬仰的人。

第一次近距离的接触 cary yan，是在 2016 年的北京，在 Cary yan 的公司总部，他给人的第一印象是和蔼可亲且平易近人。虽然见面的时间只有短短的十几分钟，但给我留下了非常深刻的印象，感觉他并非常人，而是个大胸怀、大志向、大梦想的人，也是非常有能力的一个。再一次见到他的时候，是两年后在上海举办的一场商业性的大会上，他在台上慷慨激昂的做着精彩的演讲，虽然身高不是太高，但当时的感觉就像是一个伟岸的人站在讲台上，在陈述建设大同世界的梦想；陈述如何帮助非洲的人民发展经济；陈述如何通过不懈的努力改变自己人生；陈述如何通过帮助别人从而帮助自己，听后让人热血沸腾。感觉 cary yan 不仅是一位杰出的企业家，同时也是一位杰出的慈善家、演说家和商业奇才。能够认识这样优秀的人物是一种莫大的荣幸。

Cary yan 去到泰国以后，我们有幸跟他有了近距离接触的机会，曾在一起做饭、吃饭、喝茶，在一起谈人生、谈理想、谈事业。听到 Cary yan 谈的很多理想和抱负，是我们从来都不敢想象的。比如，他曾多次谈到了一个叫朗格拉普的地方，他说他毕生的梦想是通过他的努力，能够帮助把朗格拉普建设成为人类的天堂，成为全世界人们的诺亚方舟，那里没有战争；没有疾病；没有欺诈；人们生活富裕，关系和睦，那里的居民会得到全球最好的医疗保障，交通便利，物资丰富，生活富裕，空气清新，渔业发达，人们安居乐业，简直就是人类的天堂。

Caryl yan 尤其喜欢中医医术和中医古方，经常自己会按照中医古方，在家中炼制一些中药药丸，当朋友有些病症出现的时候，他的药丸经常能起到很好的调理和缓解作用。他也希望能够把中医的方法和古方，用于那些发展中国家和贫困地区的人民，帮助他们

用最自然的中医医术和药方，改善自己的健康状况，免受疾病之苦。

他对自己的生活要求及其严苛，

Caryl yan

对工作要求更是严格，不允许有半点懈怠，计划性和执行力都很强。设定好的工作目标，一定要在规定的时间内全力完成。他信奉基督教，讲起《圣经》里的故事，经常滔滔不绝，绘声绘色。总是能够用他独特的视角和思维方式，讲述不一样的圣经故事。在日常生活中，尤其喜欢唱歌，在美食面前像个小孩，在唱歌时像个歌手，与他在讲台上的风采简直判若两人。超级有爱心，愿意无条件的帮助别人，经常会教给我们一些调理身体的技巧和知识。听他讲过很多过去帮助非洲和太平洋岛国的经历，做慈善事业从不手软，很大度、很慷慨。每年都会为非洲及太平洋岛国的一些国家资助大批生活物资。他也经常给这些国家的建设和发展提一些建设性的意见。在泰国期间，我们就亲眼目睹了他写给利比里亚现任总统维阿先生的《利比里亚资源与数字经济一体化发展规划》，得到了利比里亚总统府和总统的充分肯定。当时由于新冠疫情的原因，没能去到利比里亚指导实施。

在泰国期间，他把大部分时间都用于开发医用大麻的种植项目，他认为，泰国是亚洲首个医用大麻种植合法化的国家，医用大麻对于疾病特别是癌症的治疗效果非常好，他认为这是一个惠及普天下大众的大事，通过大麻的种植、研发和推广，能够解除很多人的病痛。所以，当时联系了一个全球领先的医用大麻研发团队（加拿大的），与泰国大麻协会联合开发大麻种植及研发项目。为了这个项目的顺利开展，几乎动用了所有人脉关系和资源，可谓全力以赴，尽心尽力。正在大麻种植与应用项目准备落地实施的关键时刻，Caryl yan 先生被警方带走了，致使该项目被迫停止，我们对此都深感不解，同时甚为惋惜。

简单的评述 Cary yan, 他在大事上, 思路清晰, 高瞻远瞩, 具有敏锐的眼光和超强的智慧。在小事上, 不拘小节, 平易近人。有格局、有信仰、有爱心、有志向。他已经把自己定义为世界人民的好朋友。是一个为世界和平、发展、公平、公正、自由而奋斗终身的人。

得知 Cary 现在正经历牢狱之苦, 我们都深感震惊。我希望他能够得到公平公正的判决, 早日获得自由, 继续为人类的发展、富裕和健康事业做出积极的贡献。

威廉姆·朱

William Zhu.

2023 年 1 月 2 日



TRANSPERFECT

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATION

I, Jacqueline Yorke, as an employee of TransPerfect Translations, Inc., do hereby certify, to the best of my knowledge and belief, that the provided Simplified Chinese into English translation(s) of the source document(s) listed below are true and accurate:

- William Zhu – Letter of Support

TransPerfect Translations, Inc., a translation organization with over 90 offices on six continents, is a leader in professional translations. TransPerfect Translations, Inc. has over twenty years experience translating into the above language pair, its work being accepted by business organizations, governmental authorities and courts throughout the United States and internationally.

TransPerfect Translations, Inc. affirms that the provided translation was produced in according to our ISO 9001:2015 and ISO 17100:2015 certified quality management system, and also that the agents responsible for said translation(s) are qualified to translate and review documents for the above language pair, and are not a relation to any of the parties named in the source document(s).

Jacqueline Yorke, Project Manager

Sworn to before me this
Wednesday, February 01, 2023

Signature, Notary Public



Stamp, Notary Public

LANGUAGE AND TECHNOLOGY SOLUTIONS FOR GLOBAL BUSINESS

1250 BROADWAY, 6TH FLOOR, NEW YORK, NY 10001 | T 212.689.5555 | F 212.689.1059 | WWW.TRANSPERFECT.COM
OFFICES IN 90 CITIES WORLDWIDE

EXHIBIT G

[Logo:] Siam Center Law Group

Written at Siam Center Law Group, Limited, Law Office True Digital Park 101 Building, Sukhumvit Road, Bang Chak Sub-district, Phra Khanong District, Bangkok 10260

Subject: Mr. Cary Yan

Attention: The Honorable Judge, Naomi Reice Buchwald,

Date: January 20, 2023

I am Mr. Cary Yan's attorney in Thailand. I have known Mr. Cary Yan for over 2 years. I first met Mr. Cary Yan around February 2021. Mr. Cary Yan was arrested on an extradition charge, in which Mr. Cary Yan was detained at the Bangkok Remand Prison. As Mr. Cary Yan's lawyer, I visit him at the Bangkok Remand Prison about once a week to discuss his case. After each visit, Mr. Cary Yan often asked me to order a large batch of food for other inmates in the prison.

After getting to know Mr. Cary Yan over a period of time, I discovered he is a businessman with a strong background in strategic planning and international business development. Mr. Cary Yan contributed to the development of the Marshall Islands. In addition, Mr. Cary Yan invested in and registered the establishment of a medical-related company in Thailand. Furthermore, Mr. Cary Yan is interested in developing Thai agriculture and has attended numerous meetings with the Thai Farmers Association. Mr. Cary Yan has also fully cooperated with government officials without misconduct during his stay in Thailand.

I ask that the court be merciful in considering this case.

Most respectfully,

[signature]

Mr. Garn Tuntasatityanond



ทำที่ สำนักงานกฎหมาย สยาม เซ็นเตอร์ ลอว์กรุป จำกัด ดิโกทรี พาร์ค 101 ถนนสุขุมวิท แขวงบางจาก เขตพระโขนง กรุงเทพมหานคร 10260

เรื่อง นายCary Yan

เรียนท่านผู้พิพากษา Naomi Reice Buchwald

วันที่ 20 มกราคม 2566

ฉันเป็นทนายความของนายCary Yan ในประเทศไทย เป็นเวลากว่า 2 ปีแล้วที่ฉันรู้จักกับนายCary Yan โดยฉันได้พบกับนายCary Yan ครั้งแรกในช่วงประมาณเดือนกุมภาพันธ์ 2564 โดยนายCary Yan นั้นได้ถูกจับกุมตัวในข้อหาส่งผู้ร้ายข้ามแดน ซึ่งนายCary Yan ได้ถูกคุมขังอยู่ที่เรือนจำพิเศษกรุงเทพ ซึ่งฉันเป็นทนายความของนายCary Yan โดยฉันจะเข้าเยี่ยมนายCary Yan ที่เรือนจำพิเศษกรุงเทพ ประมาณสัปดาห์ละหนึ่งครั้งเพื่อพูดคุยเกี่ยวกับคดีของเขา โดยหลังจากเยี่ยมจบลง นายCary Yan มักจะฝากให้ฉันสั่งซื้ออาหารเป็นจำนวนมากเพื่อส่งเข้าไปเลี้ยงผู้ต้องขังคนอื่นๆในเรือนจำด้วย

หลังจากที่ฉันได้ติดต่อพูดคุยกับนายCary Yan สักระยะหนึ่ง ฉันก็ได้ทราบว่านายCary Yan นั้นเป็นนักธุรกิจที่มีความรู้ความสามารถในด้านการวางแผนเชิงกลยุทธ์และการพัฒนาธุรกิจระหว่างประเทศ โดยนายCary Yan ได้เข้าร่วมช่วยพัฒนาสาธารณรัฐหมู่เกาะมาร์แชลล์ อีกทั้งนายCary Yan ยังได้มาลงทุนและจดทะเบียนตั้งบริษัทในประเทศไทยเกี่ยวกับด้านการแพทย์ อีกทั้งนายCary Yan ยังมีแนวคิดที่จะพัฒนาด้านการเกษตรของไทยจึงได้เข้าร่วมประชุมกับสมาคมเกษตรกรไทยอยู่หลายครั้ง และในระหว่างที่นายCary Yan อยู่ที่ประเทศไทยนายCary Yan ได้ให้ความร่วมมือกับเจ้าหน้าที่รัฐเป็นอย่างดีไม่มีพฤติกรรมเสื่อมเสีย

ขอให้ศาลได้โปรดเมตตาในการพิจารณาคดี

ด้วยความเคารพอย่างสูง

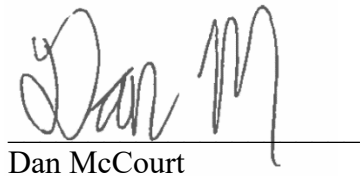
A handwritten signature in blue ink, appearing to read "นตธสธิตยานนท์".

นายกานต์ ตันตสธิตยานนท์



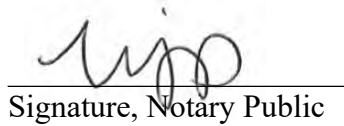
City of New York, State of New York, County of New York

I, Dan McCourt, hereby certify that the document “**Garn Tuntasatityanond.002 (Thai)**” is, to the best of my knowledge and belief, a true and accurate translation from Thai into English.



Dan McCourt

Sworn to before me this
February 3, 2023=



Signature, Notary Public



Stamp, Notary Public